

HOUSE BILL NO. 355
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Education
on _____)
(Patron Prior to Substitute—Delegate Gardner)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-272.1:2, relating to public school students in grades six through 12; evidence-based tools for mental health screening permitted.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-272.1:2 as follows:

§ 22.1-272.1:2. Public school students in grades six through 12; evidence-based tools for mental health screening permitted.

A. Any local school board may develop, identify, or procure an evidence-based tool or evidence-based tools for the mental health screening of each public school student in grades six through 12.

B. The Department, in consultation with the Department of Behavioral Health and Developmental Services and any other stakeholders that the Department deems appropriate, shall develop and post publicly and conspicuously on its website best practices for annual student mental health screenings for use by local school boards that utilize evidence-based tools for the mental health screening of each public school student in grades six through 12. Such best practices shall, at minimum, (i) include (a) the option and a procedure for parents to opt their children out of such screenings, (b) training in the effective administration of screening tools, (c) linkage to resources after screenings, and (d) communication with families about the administration and results of such screenings and (ii) address (a) confidentiality and privacy considerations, (b) the sharing of data, (c) the storage of mental health screening results, (d) plans for follow-up, and (e) methods for ensuring that the screening process (1) accommodates bilingual students, students with developmental disabilities, students with intellectual disabilities, and students with low reading proficiency, (2) protects the privacy of the student and the confidentiality of the results, and (3) permits real-time evaluation of the screening results and same-day intervention by a licensed mental health professional as indicated by such screening.

2. That the Department of Education shall satisfy the requirements set forth in subsection B of § 22.1-272.1:2 of the Code of Virginia, as created by this act, no later than September 1, 2027.